



Republican Policy Committee

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Fighting Crime in America

This country needs stronger policies to turn around its rising teenage-crime and illegal-drug-use rates. Five U.S. Senators came to the Senate floor recently to make this appeal, noting:

- ***A rising drug-use rate fuels a rising crime rate, especially among our nation's youth.*** Illegal drug use by children has doubled under this president, and a third of all juvenile criminals are under the influence of drugs at the time of their criminal offense. Yet, President Clinton has set back the war on drugs by a decade:
 - He said, on the campaign trail in '92, "I didn't inhale," but then later, as President, joked that he *would* inhale ("sure, if I could").
 - Secret Service agents testified to Congress that background investigations on Clinton's White House employees found that a "few dozen" of them had used drugs, including cocaine, crack cocaine and hallucinogens, within the last five years. Yet, the White House response was to pressure the Secret Service to grant permanent passes to these persons, despite this "red-flag" security consideration.
 - President Clinton's Surgeon General said we should consider legalizing drugs.
 - This president has cut manpower and curtailed prosecutions in key areas.
- ***This president has put criminals' rights ahead of victims'.*** Example: While he signed a bill designed to reduce the cost to taxpayers of frivolous lawsuits filed by prisoners — such as allowing a prisoner at taxpayer expense to sue for \$1 million because he was served melted ice cream — his Justice Department has been busy undermining it. They've filed briefs that advocate continuing to let federal judges tell states how warm the prisoners' food should be, how bright the lights should be, and whether unlicensed barbers can cut their hair. They condone letting judges dictate prison population size and allowing the release of excess prisoners, even when it jeopardizes public safety, and even when there's no evidence of a constitutional violation.
- ***Senator Bob Dole has unveiled a forceful, five-point crime-fighting plan*** that will: cut teen drug use in half; end revolving door justice; hold violent juveniles accountable for their actions; make prisoners work; and keep guns out of the hands of criminals.

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[Senators' remarks may be found in the September 16, 1996, *Congressional Record* beginning on the following pages: Sen. Coverdell (R-GA): S-10573; Sen. Burns (R-MT): S-10574; Sen. Cochran (R-MS): S-10575; Sen. Abraham (R-MI): S-10576; and Sen. Nickles (R-OK): S-10578.]



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CRIME IN AMERICA

Mr. COVERDELL. Mr. President, as most people know now, over the weekend, our former Senate majority leader announced in very broad, very specific, very forceful terms his plan to come to grips with a surging, raging crime wave in the United States.

All the data that I have seen over the last several years have indicated that crime, drugs, and the related two, are at the top or near the top over and over of grave concern on the part of American citizens. And well they should be.

because at least the first premise of Government is to protect the persons and property and citizens of the United States.

You cannot separate drugs from crime. Today, of the 80 percent of the 35,000 prisoners that are incarcerated in my State, they are there in prison from drug-related actions. As our attorney general, Attorney General Bowers, has said over and over again in Georgia, you can no longer separate the two. We are in the midst of a new drug epidemic; therefore, we will be in the midst of a surging crime epidemic.

There is no way to fully document the ill-effect that the drug epidemic, drug-related crimes have done to the citizens of our country, and in the cost of lives, personal property. It is stunning data any time you look at it. It just begs for leadership to come forward.

Over the weekend, Senator Dole said that if he were elected President, he would cut teen drug use in half. What does that mean? That means that two million youngsters would not be using drugs, when he is successful, that are today. I can not think of a more important commitment to make to America than to turn the drug war back on and to put the warning out to families and churches and business leadership across our country that we would have an administration that is going to be highly focused on drug use among teenagers.

As we all know now, drug use among teenagers has doubled in the last 36 months. It has gone up 33 percent in the last 12 months alone. And, in addition to the broad tragedies that we suffer by those individuals who have been ensnared in the drug epidemic, there will be hundreds and hundreds of families, in each case, that are caught up by the reaction to drug use and the crime that it festers.

We have the distinguished Senator from Montana who has joined us here this afternoon. I know he has had a long interest in the issue of crime and its impact on America. I yield up to 7 minutes to the Senator from Montana on this subject.

Mr. BURNS. I cannot have the rest of that?

Mr. COVERDELL. We will amend that as needed.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Montana.

Mr. BURNS. I thank the Chair, and I thank my good friend from Georgia.

We have just got in some interesting figures from Montana. I guess that is why some of us are very concerned about this, not only from a political standpoint—this is the season, and nobody can lift that out of this, out of the element of debate—but if you ask Americans today, "Do you feel safer than you did 4 years ago," we hear an overwhelming, "No." People are feeling threatened more and more in society. I think it comes from this old mindset of "only obey the laws you agree with." It is a mindset.

Just in my State of Montana, violent crime has gone up 8 percent last year, and overall crime has gone up 16 percent since 1994. That concerns me because we are a small State. We are known as a State with hardly any crime, but there was a murder every 10 days last year—that concerns me—a rape every 38 hours; a robbery every 34.5 hours; property crime occurred every 13 minutes; and burglaries happened at a rate of 1 every 2 hours. That sort of concerns me a little bit.

Before I had the opportunity to serve here in the U.S. Senate, I served on the board of county commissioners in Yellowstone County. We built a new jail facility and went through that process of detention centers, and we also received a very nice award for a youth detention center. I was convinced, as we went through that process, that somewhere in this crime prevention, or how we deal with crime, there has to be some common sense injected in here.

We know that we cannot outbuild the criminal element to just lock up everybody. So we have to find ways not only to deter—one of them is not getting on television and having a low disregard for the laws of the land. You know, as adults, we teach our youth every day, some days we even use words. But that concerns me more than anything else because I have a young son. I have a daughter who will graduate from medical school next year, and they are concerned about crime and crime among the young people.

When we take a look at what we did in Yellowstone County in a youth detention center, I think we have to work with States, because the real violent offenders in crime. I don't think we can do much but just hold down on them and keep them in confinement. I think we should work to abolish the very liberal parole rules that some States have. I do not think there is anything wrong—and why should it be wrong—to require drug testing for those under supervision in the criminal justice system.

I ask the American people why it is wrong to establish a registry for the release of violent sex offenders, the Megan's law. I see no reason why we should not move forward on that. And child pornography, we have to move on that. But juvenile crime worries me more than anything else, because I guess I got into politics because of youth. I have sort of a soft spot in my heart for them.

I have worked very much with 4-H groups and FFA groups, and those are kinds of groups—can you imagine any other kind of group than the Future Farmers of America where you can pour 31,000 of them, with those blue jackets, in downtown Kansas City, and you never have to put an extra cop on the beat? We need to be promoting those kinds of youth groups that espouse their way of thinking and the way they act. I know every Senator in this body gets calls from their local FFA chapters across this country.

So we have to do some things that deter crime. We have to promote those groups and organizations that do have their values in the right place. We have to ask some of the hard questions. But some of them are going to have to have common sense, too. The alarming increase of teen drug use, marijuana use, between 12- and 17-year-olds has increased some 200 percent in the last 2 years—200 percent. Why? We had it going down for a while. We had it going down by just one little statement from the First Lady in the White House, who said, "Just say no." We need to help them say no; and when they say no, stick by them. That is what we have to look at. It is concerning to me that we would look at it any other way.

Do we want to prosecute juveniles as adults for adult crime? Maybe sometimes. Maybe we should use some common sense there and provide past criminal records for juveniles in sentencing. There is nothing wrong with that.

We came a long way in attacking the root cause of crime and drugs in the inner city a few short weeks ago when we passed the welfare reform bill. It deals with dependency and illegitimacy in ways that have never been tried before. It is a big step in the right direction, and yet the job is not over.

When we take a look at what is ahead of us, we have to start appointing judges that interpret the law—do not make the law, interpret the law. The elected officials of this country make the laws. Judges interpret them. We need to start appointing Federal marshals and prosecutors that want to prosecute drug dealers and child pornographers rather than making excuses for them that they were just victims of society. If there has ever been a cop-out in America, it is some psychologist or some person who is saying, "Well, they're victims of society, and leniency should be shown." That is a one-way ticket down the drain for this country, when we start making excuses for people who knowingly break the law.

Let us take another end of it—victims' rights. I think we ought to have an amendment to the Constitution. Victims have to have some rights. All the rights are not with the felon. It is time to reform the court system, limit appeals, and punish criminals quickly. Keep violent criminals behind bars so they cannot commit more crime. It is time to stop these election-year games and take a stand for what is right. We should just do what is right.

I was in Illinois on Saturday for my friend Bob Dole. How many mothers did I talk to that are concerned—they have teenagers in high school in rural areas. Where they have never had problems before, they are coming up with these problems and saying there has to be a more liberal way of dealing with discipline and all those elements.

I imagine most of us who serve in this body, when we were in school, if you got a licking in school, you got one when you went home. They did not ask

why you got a licking. They did not even ask. My dad did not even ask whether I was right or wrong. The fact is you got a licking, and if you warranted one there, you warranted one here. There was a time I was a victim of society. There was a time when the whole world was against me and I was that victim. I do not think it hurt very many of us.

I want to say one word. Not only can we do something here, but we adults, like I said a while ago, we teach every day. Some days we even use words. We are going to have to get on the ground with these young people and we are going to show them they have support to do the right thing, not the wrong thing. It has to be done here. It has to be done across our Nation, and, yes, the national leaders have to set the example. I am asking America, what kind of example are we setting?

I yield back my time.

Mr. COVERDELL. I thank the Senator from Montana. I think he would agree with me that this five-point plan where Senator Dole pledges to cut teenage drug use in half—by 50 percent—to end revolving door justice, to hold violent juveniles accountable for their actions, to make prisoners work, and to keep guns out of the hands of criminals is exactly the prescription to get at the tone and the issues that the Senator from Montana alluded to.

Mr. President, we have been joined by the senior Senator from Mississippi, a long and loyal colleague of our former Senate majority leader. I yield up to 10 minutes to the Senator from Mississippi on this matter.

Mr. COCHRAN. Mr. President, I thank my friend and colleague from Georgia for yielding me this time. I join him in commending the distinguished Senator from Montana for his remarks.

Our former colleague has proposed a very important new plan to deal with what has to be the most serious challenge that our governments—Federal, State, and local—face today, the epidemic of crime and violence in our society.

This plan has meat to it. It has substance to it. It is thoughtful. If we will embrace it and join Bob Dole in seeing that it is enacted and administered in the way it is proposed, I think we will get results. It is time we turned the country around, turned the country around from ever-increasing drug abuse and violent crime to an era when people assume responsibilities for their own actions and they are held accountable for their own actions, whatever their age, and that they are treated in a way that deters action in the future that is a menace to innocent society members.

In our society we have a number of efforts that are underway to try to deal with the core problems. There is a wonderful program called Character Counts. In Ocean Springs, MS, during the week of October 13-19, the schools will have special programs to observe

the importance of good character in not only students, but faculty, administration officials, and the communities at large across America. We need to restore America to the place where we have been looked up to as an example for the rest of the world in terms of community spirit, recognition of what is right and wrong, a country that stands for democracy and principles of freedom that have been an inspiration to many countries all over the world.

What this program suggests is there are six essential elements or core pillars to good character: trustworthiness, respect, responsibility, caring, citizenship, and fairness. These are important and indispensable individual traits if we are to have a successful, free society. It is on that basis and on that premise that I think Bob Dole establishes this five-point plan of action. An essential part of this is holding juveniles accountable for drug abuse, for criminal acts, and for other violations that put the safety and security of others in jeopardy.

Something has to be done about it. Something is being done about it, but not enough. We need to do better. We need stronger leadership, a better example of leadership at the top. That is a part of this, too. An example is that we have seen the abuse of drugs go up by 105 percent for teenagers between the ages of 12-17 from 1992 to 1995. Before that time, drug use was going in the other direction. It was going down. Now it has turned and is going up again. We have to ask why.

What does this lead to? A third of all juvenile criminals are under the influence of drugs at the time of their criminal offense. That is what happens. There are consequences for everybody for the failure to exert good, commonsense, strong, committed leadership in this area.

I traveled one day with the sheriff of Hinds County, MS. He told me, as we looked firsthand at some of the problems in the largest populated county in my State, he said public enemy No. 1 in the State of Mississippi is crack cocaine. I am sure that is the case in many, many, other towns and communities and cities throughout this country. What do we do? We have a White House that cut the programs to deal with this. They cut the Office of Drug Control Policy by 83 percent. They cut the number of drug agents. The U.S. attorneys used to be challenged by the President and the Attorney General to do something about those who are committing offenses with guns. There was an Operation Triggerlock, you remember, an effort to go out on the streets and get those who are using guns to commit violent acts and crimes and lock them up, put an end to it. Take the guns away from them.

What is being done now? The arrests for that kind of behavior are down considerably in this administration. I think we need to turn it around. I think the five-point program Bob Dole has recommended is just what we need.

We need to make the fight against drugs a top national priority again. We need to support his effort to create 1,000 new community-based antidrug coalitions.

There is another part of this plan that strikes me as being very important. We need to have the Federal Government assisting, supporting, helping States and local communities deal with this problem, not imposing arbitrary new, hard-to-follow regulations that are expensive, that make it more difficult to operate prisons, that do a variety of things that really undercut the efforts being made by law enforcement at the State and local level.

He suggests that we assist the States in keeping violent criminals behind bars completing their sentences.

There is another part—holding juveniles accountable for their actions. The distinguished Senator from Georgia mentioned that. Youth violence is on the rise. Mr. President, 35 percent of all violent crimes are committed by those who are younger than 20 years of age. What Bob Dole is recommending and what we are suggesting is a good idea is to revise the Federal juvenile justice system to hold juveniles accountable.

The Senator from Tennessee, FRED THOMPSON, is chairman of the Juvenile Justice Subcommittee here in the Senate. He recommended a new approach to try to find out what programs at the local level are working, support them with Federal assistance and initiatives that reward those for following these paths and these new procedures, and to do something about those who commit crimes as juveniles; consider treating them as adults in certain circumstances. No longer coddle the juvenile just because he is younger, because some are more dangerous than adults. That is what has been overlooked.

This administration has done absolutely nothing about that, absolutely nothing. The program that he is suggesting will authorize new funds to assist in the investigation and apprehension of juvenile offenders, collect and distribute juvenile records to help better deal with this problem, and authorize new funds to be spent on prevention programs that involve parents and community based groups.

That example I cited a while ago, the Character Counts Program, is a good example of something that could be done on the prevention side. We are not talking about punishing everybody in an arbitrary or cruel way. We are talking about a balanced approach to doing something more likely to be successful in this area. One thing that I am convinced Bob Dole will do, in accordance with the plan that he proposed, is that he will end the interference by Federal judges and Federal agencies into the proper administration of State prisons. It is about time.

There is also a part of the program that deals with keeping guns out of the hands of criminals. We have heard about the National Instant Check Program. We had that as part of the crime

bill. He wants to make it a top priority in order to prevent criminals from purchasing any type of gun. There is a procedure for it. He will, as President, instruct the Attorney General to target violent crime by making maximum use of Federal law to get dangerous gun using criminals off the streets and into prison. That is reminiscent of Operation Triggerlock—I assume that is exactly what we will have reinstituted again—which has been abandoned and turned down and discontinued by this President. There was an emphasis on the U.S. attorneys going after those who commit crimes using guns. There has been a noticeable dropoff in prosecutions for those crimes by this administration.

In conclusion, what does this action plan do? It provides a sound, sensible, thoughtful blueprint for coordinated Federal and State efforts to combat violent crime and reverse the current trends in the use of drugs that have led to so much violence in our society.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the senior Senator from Mississippi very much for coming forward and speaking to this critical issue of crime and the tragedy it is causing across our country, and for highlighting these very targeted suggestions that we now have from Senator Dole to get at this core problem. I appreciate very much the Senator's remarks here this afternoon.

Senator JOHNSTON from Louisiana has just come on the floor. He has a very distinguished guest.

I yield 2 minutes to Senator JOHNSTON for the purpose of this introduction.

VISIT TO THE SENATE BY HIS EXCELLENCY JASSUM MOH'D AL-OWN, KUWAIT MINISTER OF ENERGY

Mr. JOHNSTON. Mr. President, I have the high honor of introducing to my colleagues here in the United States Senate the distinguished minister of energy from the country of Kuwait, His Excellency Jassum Moh'd Al-Own, who happens also to be a Member of the Parliament of Kuwait.

This is a very important time between our two countries. We have sealed the friendship between our two countries in battle, and that friendship persists, and will persist as long as there is a Kuwait and as long as there is a United States, which will be for many centuries, we all hope.

So, Mr. President, with a great deal of pleasure, I introduce to my colleagues the distinguished Minister of energy from Kuwait. [Applause.]

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia:

CRIME IN AMERICA

Mr. COVERDELL. Mr. President, undoubtedly, Senator Dole's emphasis on taking crime head-on is an outgrowth of a circumstance over the last 3 years that has just turned sour on us. It has been alluded to, but I want to cite some of the facts that have developed in the last 36 months.

First of all, I want to make it clear that there can be no doubt about it that, in the last 36 months, the United States has found itself, once again, in a massive drug epidemic. It is fueling and will continue to fuel crime. Just to cite this, in the last 36 months, marijuana use is up 105 percent, LSD is up 130 percent, cocaine up 160 percent. Somebody in the administration suggested that, actually, drug use is down. I have no idea where that data is coming from, but it must be a single source, because every other source has documented that drugs were up in virtually every category. The sad thing, Mr. President, is that they are kids.

In the last epidemic, during the 1960's and 1970's, it was a target group from about 16 to 20. It has dropped, which is such a tragedy. Now the ensnarement is occurring at age 8 to 13. This country is going to feel the impact of that for a long, long time. One in every 10 kids is using drugs.

Drug prosecutions are down 12 percent. This administration cut 625 drug agents. Federal spending on drug interdiction has been cut by 25 percent. The drug czar's office was reduced by 83 percent. On the list of national security threats, compiled by the National Security Council, this administration moved illegal drugs from No. 3, as a threat, to No. 29 out of 29.

Now, Mr. President, can there be any wonder that our children are getting the wrong message, and that they no longer think drugs are a risk, and that, therefore, they are using them in record numbers, and that, therefore, we have an epidemic, and that, therefore, we are having the emergence of a new crime wave?

Mr. President, we have been joined by one of our colleagues that has been in the center of this controversy during his entire time, which is since 1994. The distinguished Senator from Michigan is already making an impact in this area of vital concern across our country.

I yield up to 15 minutes to the Senator from Michigan.

PRESIDENT CLINTON'S VETO BY LAWYERING

Mr. ABRAHAM. Mr. President, I thank the Senator from Georgia, again, for his efforts to bring us together here to focus on various vital matters before the Senate and before the American people.

Mr. President, I have taken the floor on several previous occasions to discuss the problem of abusive prison litigation and this Congress' efforts to attack that problem.

The last time I did so was April 19, 1996. At that time, I expressed my disappointment that President Clinton

had just vetoed the Commerce-Justice-State appropriations bill.

Contained in that bill was the Prison Litigation Reform Act, a carefully crafted set of provisions designed to stem the tide of prison litigation.

In my view, this was a very important piece of legislation. Lawsuits by prisoners and lawsuits over prison conditions were completely out of hand.

One figure captures the situation very well. In fiscal year 1995, prisoners—inmates in prison—filed 63,550 civil lawsuits in our Federal court system. That is a little over one-quarter of all the civil lawsuits filed in Federal courts that year. It's also far more than the 45,788 Federal criminal prosecutions initiated that fiscal year.

In short, Mr. President, we saw, in fiscal year 1995, prison lawsuits outnumber prosecutions under our Federal system and account for one-quarter of all the lawsuits brought in this country in the Federal system.

One prisoner sued because he had been served melted ice cream. For this he claimed \$1 million in damages. Fortunately, the judge ruled that the right to eat frozen ice cream was not one of those the Framers of the Constitution had in mind.

Another sued because when his dinner tray arrived, the piece of cake on it was "hacked up."

A third sued demanding LA Gear or Reebok "Pumps" instead of Converse tennis shoes. This kind of abusive litigation is not only frivolous, it costs money and cost the taxpayers a lot of money.

The National Association of Attorneys General estimated that the States were spending about \$81 million to battle cases of the sort I just described—this even though the States win 95 percent of these cases early in the litigation for reasons that are obvious.

We were determined to do something about this problem in the Congress, so as part of the Commerce-State-Justice appropriations bill in 1996 we passed the Prison Litigation Reform Act. This legislation charged prisoners a fee for filing any lawsuit, while making it possible for the prisoners to pay that fee in installments. If a prisoner filed more than three frivolous cases, however, the prisoner would no longer be able to pay the filing fee in installments. He or she would have to pay the full fee up front, unless a court found this would create imminent risk of bodily harm.

In addition, prisoners who filed frivolous lawsuits would lose their good time credits, thus making their stay in prison longer. And judges were given authority to screen out frivolous cases on their own.

The legislation was designed to put an end to another aspect of the prison litigation problem: Seizure by Federal judges of the power to run prison systems. These seizures have consequences that range from the ridiculous to the disastrous.

In my own State of Michigan, judicial orders resulting from Justice Department lawsuits have resulted in

Federal courts monitoring our State prisons to determine how warm the food is, how bright the lights are, whether there are electrical outlets in each cell, whether the prisoners' hair is cut by licensed barbers—this despite the fact that no court has ever found that any of these conditions regarding which it is giving orders violate the Constitution.

The orders issued by a judge in Philadelphia were even worse. There a Federal judge had been overseeing what had become a program of wholesale releases of up to 600 criminal defendants per week. Why? To keep the prison population down to what the judge considered an appropriate level. Thousands of the released defendants were then rearrested for new crimes including in one 18-month period 79 murders, 90 rapes, 959 robberies, 2,215 drug dealing charges, 701 burglaries, 2,748 thefts, and 1,113 assaults.

In the interest of justice and public safety, we wanted to stop this, and the means were simple and fully in keeping with everyone's rights. We simply required in that same Prison Litigation Reform Act that no judge could take over a prison without first holding that it had violated the Constitution and explaining how the order was necessary to correct the violation. We also directed that the judge give due regard to public safety in deciding what kinds of remedies to require. And we established stringent limits on the power of the courts to order prisoners released. Existing orders would have to meet these new standards. If they did not, they would have to be dissolved immediately on motion of the prison authorities, unless the court found that the orders were necessary to correct an on-going violation of a Federal right.

Unfortunately, President Clinton vetoed that legislation. At the time, the President said his veto had nothing to do with our prison litigation proposals. Instead, he said, he was vetoing the bill over other matters.

We took the President at his word and included our proposals in a second piece of legislation. This time, the President signed the legislation. Unfortunately, the President's top ranking officials in the Department of Justice seem intent on inventing a new kind of veto, veto by lawyering.

This effort started almost as soon as the ink from the President's signing pen was dry. A mere 11 weeks after signing the bill, his Department of Justice was filing briefs all around the country that would undermine the clear intent of our legislation. The briefs claimed that, far from requiring the courts to stop running the prisons for the comfort of prisoners, that law authorized them to continue to do so indefinitely.

Thus, according to President Clinton's Justice Department, Federal judges should continue to tell Michigan how warm the food should be, how bright the lights have to be, and who should cut the prisoners' hair. And by

the logic of their position, judges should also continue to dictate prison population size and order excess prisoners released—this even if the Constitution contains no such requirement and even if the release orders jeopardize public safety. At least they should do this while they are investigating whether the prison ever violated any provision of the Constitution, an investigation that can take quite a bit of time.

The Department of Justice has come up with a host of legal theories to explain why the reform act should be read to require indefinite judicial supervision of prisons for the benefit of prisoners. It is difficult to say which is more ludicrous, the original or the current theory. The original theory, now abandoned in the face of questions from Members of this body and the National Association of Attorneys General, was that the phrase "violation of a Federal right" includes violations of the very decrees the reform act was adopted to end.

The current theory stands on its head the reform act's requirement that existing decrees be automatically stayed 30 days after a motion to end one has been filed unless there has been a final ruling on the motion.

According to the current Justice Department theory, this requirement in fact means the decrees are not automatically stayed, and, indeed, that nothing should happen to them at all until the court conducts its own exhaustive inquiry as to whether conditions at the prison have ever violated any constitutional provision.

These theories are unpersuasive, Mr. President. Even Judge Harold Baer, the subject of some attention for his theory that running away from the cops gave no grounds for reasonable suspicion, rejected these theories and ended judicial rule at Riker's Island. Judges there had been dictating such crucial matters as the brand and exact concentration of cleanser to be used in certain areas.

The theories are ludicrous but the end result is not. These interpretations make a mockery of this Congress, they make a mockery of the law, and they make a mockery of the American people's desire to have prisons run to promote the public order, not to promote the comfort of our prisoners.

Further, even if they desperately try to protect existing decrees, President Clinton's Department of Justice continues to threaten exactly the kinds of lawsuits the reform act was supposed to end.

For example, a mere 4 days after President Clinton signed the reform act, the Assistant Attorney General for Civil Rights threatened to sue Gov. Parris Glendening of Maryland over conditions in Maryland's supermaximum security prison. Supermaxes are reserved for the most dangerous prisoners, murderers and rapists who continue their violent behavior in prison.

What were the egregious unconstitutional conditions that led President

Clinton's Assistant Attorney General for Civil Rights to threaten suit? The fact that supermax prisoners are not allowed to socialize enough and are not getting enough outdoor exercise. The Department calls these conditions unconstitutional because they are the "mental equivalent of putting an asthmatic in a place with little air to breathe."

Fortunately, this particular veto by lawyering will ultimately succeed only if President Clinton's Justice Department persuades the courts to go along with it. I do not expect that it will.

So far the results are not promising for the Justice Department. So far, the judges who have decided these issues, interestingly, all of them Democratic appointees who had either taken over the running of prisons themselves or had inherited them from a predecessor who retired, rejected half the arguments urging them to retain control.

Mr. President, other parts of the Reform Act, the ones designed to cut back on individual prisoner lawsuits, which President Clinton's Department of Justice has no role in enforcing, already are showing their effects. Prisoner filings since the bill's enactment have declined sharply. Nevertheless, the Department of Justice, through its attempted veto by lawyering, is delaying and undermining the effectiveness of critical portions of the Reform Act. The Judiciary Committee will be holding a hearing on this matter next week.

It is my intention to propose an amendment to whatever proves to be the most appropriate legislation, either this year's Commerce-State-Justice appropriations bill or perhaps another omnibus appropriations bill, that clarifies once and for all it is time for abusive prison litigation to end, whether it is brought by prisoners or by President Clinton's Department of Justice.

It is unfortunate we must clarify once again the clear intent of such recently enacted legislation. But public safety and the costs of our prison system are too important for us to allow this inappropriate veto by misinterpretation.

In short, I am here today to say that if we are truly serious about getting tough with crime, we ought to begin immediately to take the Prison Litigation Reform Act and administer it in the exact clear sense that Congress intended it to be administered.

That is not happening today. I am extraordinarily disappointed by it. I intend to be on the floor as often as necessary to bring about the correct interpretation of that legislation or to add new legislation that eliminates any possibility of misinterpretation in the future. Prisons should be tough time for prisoners and the rights of victims should take priority.

That is what I believe everybody in this Chamber is committed to doing, and if necessary we will have to enact more legislation to get the job done. But I am very disappointed in the actions of the Department of Justice to

date because it is certainly inconsistent with what we demand and what the American people I believe want to see happen in the area of prison reform.

I thank the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I wonder if the Senator from Michigan would stay just a moment to see if I get the sequence of these events down. We had a condition of legal frivolity—if you froze an ice cream or not. I think any American who would hear this just would be dumbfounded. But your legislation put an end to that and put an end to judicial management of prisons. And the President vetoed that.

Mr. ABRAHAM. That is correct.

Mr. COVERDELL. Then you came back again, passed the essence of this legislation, and he signed it, but his Justice Department has subsequently been engaged in an overt attempt to undo it?

Mr. ABRAHAM. That is accurate. I would say to the Senator from Georgia, we were told when the first veto occurred, because this legislation was included in a broader bill, that the legislation, the Prison Litigation Reform Act, was not the basis for the veto; that, in fact, it was supported.

When the second bill was signed, we assumed the Justice Department would seek to make sure the provisions of that Litigation Reform Act would be enacted and followed by the courts. Instead, what we have seen is the Department of Justice intervening in lawsuits in a way that would, in fact, preclude, rather than allow, States to extricate themselves from these various judicial circumstances where judges were running the prison systems with no clear evidence of a constitutional violation ever having occurred. Instead, we find the Justice Department finding ways to allow the judges to stay in charge and to allow for various things such as we have seen around the country, where these prisoner lawsuits are growing in number, where judges are requiring prisons and State authorities to expend millions of taxpayer dollars simply to ensure and improve the comfort of prisoners. We think that is the wrong direction.

CRIME IN AMERICA

Mr. COVERDELL. I thank the Senator from Michigan. Again, as I said when he came to the floor, he has been very dutiful on this issue and I am comfortable will ultimately prevail.

Mr. President, a moment ago I was talking about this drug epidemic. There can be no doubt but that we had a change in policies that occurred when this administration took office. And we have had a resulting change in behavior. If you start shutting the drug war down, I think you can expect to see a reversal and we will find more and more young people caught up in this tragic problem and then society caught up in their problems.

This administration has, as we just heard, vulnerability and accountability that it has to accept with regard to the condition of crime in the country today. This administration has touted signing the assault weapon ban and Brady bill as evidence that they got tough on guns. This has been the effect: Federal gun prosecutions are down 20 percent. Federal gun convictions are down 13 percent. The U.S. attorneys' program to target gun crimes and to report on gun prosecutions, Operation Triggerlock, which the Senator from Mississippi talked about a moment ago, has been dismantled—gone. Congress authorized \$200 million for States to help with background checks under the Brady bill. Clinton's budget request has cut that figure by 68 percent. "It is fine to pass the bill, but do not fund it."

This administration claims to have put 100,000-plus cops on the streets. Myself and Senator BIDEN, the Senator from Delaware, debated that number a couple of months ago. The data is actually this: The Justice Department says the number is actually more like 17,000. Now, 17,000 is a long way from 100,000. It is questionable whether 17,000 have ended up there as well. In Florida, 30 of this 17,000—not 100,000 but 17,000. In the ads we hear 100,000, but in reality it is more like 17,000. Here is where some of the 17,000 are: They were added to the State Department of Environmental Protection to keep watch over a coral sanctuary off the Florida Keys. The cost of that was \$3.5 million.

Florida received \$1.8 million to hire 25 cops for State parks. At the same time, Florida received \$3.5 million to watch a coral reef. This Justice Department rejected a request from the St. Augustine police department, in northern Florida, to fund a 1-year anti-domestic violence program. That would have cost \$80,000, to hire this officer. In other words, we do not have 100,000, we have 17,000; and of the 17,000 we have, we have them watching a coral reef off the Florida Keys but denying the ability to set up an antidomestic violence program. This is almost as baffling as some of the statistics that we heard from the Senator from Michigan.

The Justice Department admits that, of that number, as many as 14,000 were already on the streets and are now just paid for with Federal tax dollars. Mr. President, 20 percent of the 100,000 may be officers who are redeployed. So the early money has gone to existing police officers. In reality, only about 3,000 new cops have been added. That is a long way from the 100,000 to 3,000.

Mr. President, we have been joined by the senior Senator from Oklahoma, the assistant majority leader. He is a strong proponent of crime measures that work. I yield up to 8 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I would like to compliment the Senator from Georgia for his leadership on call-

ing to our attention both Senator Dole's initiative to combat crime, which I think has some outstanding points that need to be brought to the public attention and public debate, and also some of the shortcomings we have witnessed through action or inaction from the Clinton administration for the last 3½ years.

First and foremost in the effort to combat crime, I think we have to combat the rapid rise in drug use amongst teenagers. Teenagers are our country's future, and it is very, very sad indeed to see that drug use amongst teenagers in the last 3½ years has more than doubled. That is a frightening statistic. It may be one of the most frightening statistics we could think of. Some of us are parents. I happen to have four kids. To think that drug use has more than doubled in just 3½ years should cause everybody, Democrat, Republican, independent, real cause for concern.

You might say why? Some people point a finger at President Clinton. I think he shares some of the blame. I remember very well Nancy Reagan and her effort to say, "Just say no to drugs." Try to convince young people to, "Just say no. Do not mess with them, do not experiment with them, you are on thin ice, you are asking for trouble and you can start down the road beginning with marijuana and maybe ending up with more serious drugs, cocaine, crack and others, that can destroy your life."

Some people have ridiculed Nancy Reagan's statement. But as a result of her efforts and those continued by President and Mrs. Bush, drug use continued to decline throughout their administrations. We had a 10-year decline in drug use among young people; and basically among all age groups, drug use declined.

Unfortunately, in the last 3½ years drug use among teenagers more than doubled. And what kind of leadership did we have from the White House? We had President Clinton making light of the fact that he had broken our drug laws. He said he did not break the drug laws, he said he never inhaled, not in this country, that was in England and, "No, I never inhaled." Then last year, on a nationally televised show, I think it was MTV, when he was asked the question by a youngster, "Would you inhale if you had a chance to do that again?" he said yes. What kind of example is that? What kind of leadership is that? That is a frivolous attitude, as if it does not really make any difference. That kind of cavalier attitude, I think, tells a lot of people, maybe it is OK to use drugs or try drugs; President Clinton tried drugs.

Then you see in the President's own administration, several people could not get White House clearance through the FBI because they had recent drug use. Not 10 years ago, not 20 years ago when they were in their early twenties or something, but recent drug use. Mr. Aldrich's book indicated that there was drug use even possibly on Inaugural

Day. Yet, some of those people are serving in the White House today. I believe it is acknowledged by the White House, 21 current employees, top-level officials in the White House are currently undergoing a drug program, a drug rehab program and surveillance.

What kind of example is that? What kind of leadership is that? And what about some of the appointments that President Clinton has made?

I remember we had a big battle over Dr. Joycelyn Elders to be Surgeon General. A lot of us, mostly Republicans, said, no, she would not be the proper person to be the Surgeon General, to be the No. 1 health officer appointed by the President, to be the person in the bully pulpit, because she had views that were more than liberal, they were off the radar screen to the left.

Many of us opposed her nomination, but she was confirmed. We opposed her nomination because she made a lot of statements that we felt should not be made by the Surgeon General.

After Dr. Elders was appointed, it wasn't too long before she said something about, "Well, maybe we should legalize drugs, maybe we should study legalizing drugs." Did President Clinton fire her for that statement? No. I think I heard somebody say, "Well, the President doesn't agree with her on that issue."

It wasn't a month later and she said the same thing, I think before the National Press Club. She thought maybe we should consider legalizing drugs. Was she fired for making it a second time? The answer is no. She was fired later for making some other comments that were, again, very irresponsible in what we should be teaching our kids in school, but the point being is he didn't fire her. She made several comments about legalizing drugs, and she was still the Surgeon General, she was still President Clinton's appointee to a very important prestigious position. Again, he was aware of her background, he was aware of her philosophy, and yet that was his recommendation to the country for that position.

My point being, the war on drugs needs to be fought. It was fought under Ronald Reagan, it was fought under George Bush, and, basically, it was abandoned under the Clinton administration. The net result is, we have a lot of young people today who are experimenting with drugs, thinking, "Well, maybe it's OK." So we see drug use way up, we see the number of young people who will be addicts, who will see their lives ruined, we will see those numbers go up as well.

So we need to fight the war on crime, we need to fight the war on drugs, but, unfortunately, this administration has been AWOL on both. Mr. President, I regret to say that, I hate to say that.

Mr. President, I am going to make a couple more comments. I looked at Senator Dole's announcement. He said he had a stated goal that he wants to reduce drug use by 50 percent during his first term. It can be done. It was

done under Reagan and Bush. It can be done again. You see the current upsurge in drug use due to a very cavalier attitude by this administration, the current administration, on the war on drugs. It will be nice to have a change in the White House and have an individual and a team that is very committed, that is very dedicated, very sincere in saying, "We want to let everyone know that drugs are hazardous to your health."

I find it interesting to see that President Clinton is attacking tobacco and has been silent about other drugs, such as crack and cocaine, marijuana use. I almost think that he made the announcement on tobacco maybe to kind of get this release of information talking about drug use doubling under his term off the front pages. I don't know.

Mr. President, this war has to be fought. We need energetic leadership coming from the White House. I believe we will have that from Senator Dole and his team.

Also, I want to comment on the interdiction efforts. I remember shortly after President Clinton took office, he cut the office of the drug czar by 83 percent. He reduced it from, I believe, 140 employees to 15, and cut the funding way back. That tells you something about his priorities.

Senator Dole said, if elected, he would reestablish the drug czar office. He would redouble and rekindle our efforts on drug interdiction so we can stop drugs before they come into the United States. He said he would increase penalties on those people who have been involved in drug trafficking, particularly amongst people who have been involved in drug trafficking to our young people.

So, Mr. President, it is vitally important that we have a leader who will make change, and make change appropriately, to protect our kids for the future.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, our control of time is nearing an end, but I would like to just draw a contrast here.

The former majority leader has embraced a very focused attack on crime in our country, and he begins—and I think it is appropriate—with the first pledge to cut teen drug use in half. I can't think of a grander thing to achieve that would do more good, reduce pain and anxiety and trouble in millions of American families.

Sometimes these numbers get out of whack. We are talking about a sister, a brother, somebody in the neighborhood, and we are talking about 2 million of them who are now experimenting with drugs who did not 3 years ago. That is a city the size of my hometown, Atlanta, GA—every person in it. Every one of those is a family and is in a personal crisis. So by focusing that as No. 1 is right on target.

No. 2, an end to revolving-door-justice, which Americans have been so concerned about. One in every three persons arrested for a violent crime is on parole. Sometimes people say, "Well, it costs too much to keep them in prison, \$25,000, \$30,000 a year." It costs \$450,000 for them to be out of prison, in property damage and personal damage.

No. 3, holding violent juveniles accountable for their actions. We all know we have a juvenile crime wave and it is tied to the drug wave.

No. 4, making prisoners work. Only one-third of the prisoners work full time. We heard the Senator from Michigan addressing that.

No. 5, keeping guns out of the hands of criminals.

On target, 1, 2, 3, 4, 5.

Conversely, this administration suffers from a lack of commitment in this arena. Shortly after arriving at her job, Attorney General Janet Reno repealed the Department of Justice policy requiring prosecutors to seek the most serious criminal charge they could prove in court. We all heard from the Senator from Oklahoma about the former Surgeon General suggesting that maybe we should legalize drugs and the effect that has had, with children no longer thinking that drugs are serious.

This administration's chief prosecutor in San Diego has released hundreds of captured drug smugglers and sent them back to Mexico without prosecuting. This administration's prosecutors across the country have cut back prosecutions of felons for possessing guns by 13 percent and have reduced prosecution for crimes involving guns 20 to 25 percent.

Many of this administration's judges have embraced the criminal as a victim-of-society philosophy. The Senator from Montana talked about that earlier this afternoon and how wrong that is. We heard the statistics of getting these people back out on the street and the price society pays when we do that.

His appointees to the Supreme Court have been among the most willing to use technicalities to overturn death sentences for brutal murders.

The list goes on, Mr. President. Here we have a focused, energetic, committed Senator Dole targeting crime as a No. 1 issue in America and going after it, and over here we have a record of conciliation and a drug war and a drug epidemic.

We need to do this not only for the stability of our country, but for the compassion of our children.

Mr. President, I yield the floor.